



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 5, 2010
Planning and Development Committee

Testimony Submitted by Commissioner Amey W. Marrella
Department of Environment Protection

Raised Senate Bill No. 302 - AN ACT CONCERNING STATE FUNDING OF AFFORDABLE HOUSING LOCATED IN A FIVE-HUNDRED-YEAR FLOOD PLAIN

Thank you for the opportunity to present testimony regarding Raised Bill No. 302, AN ACT CONCERNING STATE FUNDING OF AFFORDABLE HOUSING LOCATED IN A FIVE-HUNDRED-YEAR FLOODPLAIN. The Department of Environmental Protection (Department) is opposed to Raised Senate Bill No. 302. This bill would amend section 25-68d of Chapter 476a FLOOD MANAGEMENT of the Connecticut General Statutes that provides for the certification process for activities and critical activities within or affecting the floodplains of the state when such activities are proposed by state agencies or financed with certain levels of state money.

Raised Bill No. 302 proposes to amend section 25-68d (h) that would result in an exemption for certain housing projects, including housing for persons of low and moderate income, from the certification process. The amendment applies the exemption to activities and critical activities at or below the five-hundred-year flood elevation. Since housing is considered a critical activity for the purposes of Flood Management, proposed section 25-68d (h) would allow the construction of housing at or below the five-hundred-year flood elevation. In fact, at or below the five-hundred-year flood elevation means that housing could be constructed anywhere on the floodplain including the 1 year, 2 year, 5 year, 100 year, and 500 year floodplain. This means that such housing could be constructed in areas of the floodplains of the state that are subject to flooding on a yearly basis. In addition, the proposed amendment would add a section 25-68d (i) that would shift the burden of proof regarding activities and critical activities exempted pursuant to proposed section 25-68d (h) from the proponent state agency to the Commissioner of Environmental Protection.

This bill would encourage the construction of housing in the floodplains of our state and the floodplain areas that are subject to flooding on a frequent basis. Such construction would result in hazards to human life, health, and property. Because of this increased exposure of our citizens to flood hazards, recovery efforts from frequent flooding would cause a significant fiscal impact to the state and our municipalities. This bill is in conflict with numerous state and municipal programs designed to mitigate the impact of flooding to our state and to our citizens.

The bill conflicts with our state's participation in the National Flood Insurance Program (NFIP) of the Federal Emergency Management Agency (FEMA). The construction of housing within the 100 year floodplain conflicts with the standards of the NFIP and other FEMA programs,

grants, and recovery funding. If this bill were to pass, the state of Connecticut would not be eligible for federal money to assist in the recovery from natural disasters; such recovery funding can amount to millions of dollars following a presidential declaration of a disaster. In addition, if this bill were to pass, the state of Connecticut would not be eligible for FEMA pre-disaster mitigation projects that provide for the mitigation of the affects of natural disasters. Our state and numerous municipalities have benefited from such mitigation activities as flooding proofing of structures, home elevations, home relocations, and storm water controls funded by FEMA. The DEP cannot support any bill that would affect our eligibility for such important federal funding.

In summary, the Department is opposed to Raised Bill Senate No. 302 because it would likely result in hazards to human life, health, and property as a result of increased exposure to flooding. Significant adverse fiscal impacts upon the state and our municipalities would result from flood and natural disaster recovery efforts, and the loss of federal funding and financial assistance. Also, we anticipate an adverse fiscal impact to the Department as a result of the new regulatory review requirements proposed in section 25-68d (i) of Raised Senate Bill No. 302.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@ct.gov.